

CHAPTER 8. PREPARATION, APPROVAL, AND DISTRIBUTION OF FINAL
ENVIRONMENTAL IMPACT STATEMENTS

80. UTILIZATION OF COMMENTS.

a. Comments received on the DEIS and inputs (in summary form if appropriate) from citizen participation, and public hearings shall accompany the EIS through the normal internal review process.

b. In preparing an EIS the DEIS shall be revised, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations. An appropriate response, or reference to subject's discussion in the statement shall be made. Copies of all substantive commenting letters shall be included. If the number of comments is too voluminous to include, a summary may be prepared in accordance with CEQ sec. 1503.4(b).

c. Every effort shall be made to resolve environmental issues prior to final EIS preparation. Any unresolved environmental issues and efforts to resolve them through further consultation shall be identified and discussed. For instance, where an agency comments that the statement contains inadequate analysis or that the impacts are too adverse for approval, either the issue shall be resolved, or efforts to resolve the issue shall be documented, and any action that will result shall be noted.

d. Compliance with other Requirements. The final EIS shall reflect that there has been compliance with the requirements of all applicable environmental laws and orders, such as section 4(f) of the DOT Act. If such compliance is not possible by the time of final EIS preparation, the EIS shall reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements can be met.

e. The final EIS must reflect mitigation measures which will be included as part of the proposed action.

81. APPROVAL OF FINAL ENVIRONMENTAL IMPACT STATEMENTS.

a. For EISs which originate at headquarters, the Office or Service Director shall send one copy of each EIS to AEE-1 and AGC-1 for review. After the Office or Service Director approves the EIS, file it with EPA. (See para. 83)

b. For EISs originating in the field, not subject to headquarters' concurrence, the Regional or Center Director shall approve and file the EIS with EPA, following review for legal sufficiency by the Regional Counsel.

c. For EISs originating in regions or centers, but when headquarters concurrence is requested, the Regional or Center Director shall approve the EIS and submit it to the appropriate service or office director. Following approval, the EIS must be filed with EPA. (See para. 83)

d. For EISs originating in regions or centers, but where authority to approve the EIS is retained in headquarters, (see FAA Order 5050.4), the region or center shall send the proposed EIS to the appropriate service or office director. The service or office shall send copies to the Office of Environment and Energy and to the Chief Counsel for review. Following approval, the EIS must be filed with EPA. (See para. 83)

e. All statements involving Section 4(f) of the DOT Act are subject to AGC review for legal sufficiency in headquarters.

f. For highly controversial final EISs requiring headquarters' review and concurrence, P-1 and C-1 shall be notified that the final EIS is under review and be provided with a copy of the summary section contained in the final EIS. P-1 and C-1 will also be given at least 2 weeks notice before approval of the final EIS.

g. Approval. After appropriate internal review, a declaration approximately as follows shall be added to the summary. Signature and date blocks shall be added for the concurrence of appropriate offices and approval or disapproval of the approving official.

"After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969."

82. AVAILABILITY PENDING APPROVAL. In addition to the availability and distribution of approved final EISs, final statements proposed for approval shall normally be made available upon request in FAA offices for inspection by the public and Federal, State, or local agencies prior to final approval and filing with EPA. Such statements should carry a notation that they have not been approved and filed.

83. DISTRIBUTION OF APPROVED ENVIRONMENTAL IMPACT STATEMENTS. The originating FAA region, center, or service shall simultaneously distribute the EIS as follows:

a. Five copies to:

Office of Federal Activities
Environmental Protection Agency (A-104)
401 M Street, SW
Washington, DC 20460

b. Five copies to the appropriate regional office of EPA (one copy if categorized as LO-1 per paragraph 75 of this order).

c. One copy of the EIS to the Office of Environment and Energy (AEE-1) and to the Service or Office Director.

* d. One copy of the approved final EIS shall be sent to the Office of Transportation Regulatory Affairs, Environmental Division, P-14. *

e. A copy of the EIS shall also be sent to each Federal, state, and local agency, to private organizations which made substantive comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comments on the draft. DOI copies shall be sent to the Director, Environmental Project Review, U.S. Department of the Interior, Washington, D.C. 20240. DOI shall be sent seven copies for proposals in all states except that eight copies would be sent for proposals in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas; nine for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. For transportation proposals having major energy-related consequences, one copy should be sent to DOE headquarters.

f. One copy to any sponsor, applicant or grantee.

g. One copy to appropriate state-designated single point of contact (or specific agency contacted when states have not designated a single contact point), unless otherwise designated by the governor.

h. Additional copies shall be sent to accessible locations to be made available to the general public, including headquarters and regional offices; state, metropolitan, and local public libraries.

i. Pursuant to CEQ sec. 1506.6, environmental statements, comments received, and underlying documents will be made available to the public without charge to the fullest extent practical or at a reduced charge which is not more than the actual cost of reproducing copies.

84. REFERRALS TO CEQ. The Council on Environmental Quality may serve as a mediator in interagency disagreements over proposed Federal actions that might cause unsatisfactory environmental effects (see CEQ sec. 1504).

a. If a commenting agency determines that an action is environmentally unsatisfactory, the matter may be referred to CEQ.

b. When the responsible official receives a notice of intended referral from the commenting agency, this official shall provide P-1 and AEE-1 with a copy of the notice.

c. In the event of referral to CEQ by a commenting agency, the responsible official shall forward a proposed response to AEE-1 within 10 days of referral. The response shall address fully the issues raised in the referral and be supported by evidence. AEE-1 shall obtain P-1's concurrence in the proposed response. The response shall be sent to CEQ within 20 days of the referral.

85.-87. RESERVED.